

**Approved 11-7-2019**

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, October 3, 2019  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, October 3, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Tim Ragsdale, Lisa Tressler, Melissa Range and Marla Doss. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager, Tamala Davis, Planning Technician, and Paul Frickey, County Attorney. The meeting was called to order at 6:30 p.m.

**Case #19-10-055V Kevin and Amanda Fox** at 261 Mile Branch Road requesting a variance to Cherokee County Zoning Ordinance, Article 7, Table 7.1A: Minimum District Development Standards to encroach twenty-two (22) feet into the fifty (50) foot minimum side setback for an addition to the existing home. The property is located in Land Lots 208 and 209 of the 15th District and further described as Cherokee County Tax Map 15N07, Parcel 029.

The applicant withdrew this application.

**Case #19-10-056V Rita S. Watkins** at 450 Haley Farm Road requesting a variance to Cherokee County Zoning Ordinance, Article 7, Table 7.1A: Minimum District Development Standards to allow the existing residence to encroach fourteen (14) feet into the fifty (50) foot side minimum setback in order to accommodate an addition to the existing residence. The property is located in Land Lot 1093 of the 3rd District and further described as Cherokee County Tax Map 03N12, Parcel 118A.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. Mr. Chapman stated the existing house, built in 1985, sits approximately 900 feet from the right-of-way of Haley Farm Road. He stated based on a 2018 Cherokee County aerial photograph, the nearest residential structure on the side of the encroachment is approximately 330 feet to the west. Relief, if granted, likely would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Given that a variance from the terms of the Zoning Ordinance likely will not be contrary to the public interest, the department does not object to the variance request as submitted and recommends approval.

Mickey Watkins represented this case. Mr. Watkins stated this all came about when they tried to get a permit to build an addition to their home and that is when they realized the existing home is already encroaching into the setbacks. He stated they were informed they needed to apply for a variance.

There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Doss. Motion passed 5-0.

**Case #19-10-057V Race Trac Petroleum, Inc.** at 7984 Cumming Highway requesting a variance to Cherokee County Zoning Ordinance, Article 11 – Signs and Outdoor Advertising and Table 11.1 - District Requirements for Permanent Signs: to allow a wall sign of forty (40) square feet in excess of the seventeen (17) square feet of allowable sign area; to allow a third wall sign of forty-three (43) square feet; and to allow a fourth wall sign on the fuel pump canopy. In addition, the applicant seeks a variance to Cherokee County Engineering Standard Detail 210 – Non-Residential Driveway to allow the radii to be thirty-five (35) feet instead of the required fifty (50) feet. The property is located in Land Lots 851 and 852 of the 3rd District and further described as Cherokee County Tax Map 03N10A, Parcel 048.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated the size of the proposed signage is not out of proportion for the building or when compared to existing signage in the area near the intersection of East Cherokee Drive and Cumming Highway (SR 20). Staff also finds that there are exceptional conditions that are peculiar to the particular piece of property in question because it is a corner site with two road frontages on a major collector road (East Cherokee Drive) and arterial state highway (Cumming Highway/SR 20). He stated based on the available evidence, some relief would not be contrary to the public interest. As a result, the Planning and Zoning Department recommends the following: 1) Approval to allow a wall sign of forty (40) square feet, 2) Approval to allow a wall sign of forty-three (43) square feet, 3) Approval to allow the radii to be thirty-five (35) feet and 4) Denial of a fourth wall sign.

Ms. Semler asked if Mr. Doss has authorization to be signing as property owner. Mr. Huff stated Mr. Doss will be able to answer this.

Parks Huff represented this case. Mr. Huff stated portions of church property has been acquired by GDOT and the church needs to sell the remaining property so they can relocate. He discussed the latest site plan and noted that fire and building departments have approved. He discussed the requests for the signage and locations.

Mr. Doss stated he is Chairman of the deacons of Macedonia Baptist Church and he has authorization to sign.

There was no one present to speak in support of this application.

Bart Williams spoke in opposition. Mr. Williams stated he owns the funeral home to the South of this property and stated his concerns with the request to reduce the radii to thirty-five (35) feet and feels the fifty (50) feet requirement needs to be kept in place. He stated he feels this would create a safety issue.

Parks Huff spoke in rebuttal. Mr. Huff stated they are moving the access as far as they can from State Route 20 that was requested from Cherokee DOT and would like the Board to consider this as a unique development. He stated if the Board agrees with staff recommendation, he asks they let the applicant choose which three (3) signs they would be allowed. He stated members of the church are present in support of this application.

Ms. Semler closed public comment.

Ms. Doss stated she does not have any issues with the requests. She stated they have approved other variance requests in the area.

Ms. Range asked Mr. Huff if these are RaceTrac's standard signage. Mr. Huff stated, yes.

Mr. Ragsdale stated he does not feel the canopy sign is needed, since they can have two (2) monument signs.

Ms. Tressler asked Mr. Chapman if Engineering has looked at the entrance and are they okay with the location and size. Mr. Chapman stated, yes.

Ms. Semler stated she does not have any issues with the entrance.

Ms. Semler made a motion to approve the application with staff's recommendation, 1) approval to allow a wall sign of forty (40) square feet, 2) approval to allow a wall sign of forty-three (43) square feet, 3) approval to allow the radii to be thirty-five (35) feet and 4) denial of a fourth wall sign.

Seconded by Ms. Range. Motion passed 5-0.

**Case #19-10-058V Danielle Ayan** at 617 Epperson Road requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.5-7.3 Minimum Access Standards to allow the panhandle section of a flag lot to have twenty-three (23) feet instead of the required thirty (30) feet on a County approved public road. The property is located in Land Lot 1225 of the 3rd District and further described as Cherokee County Tax Map 03N06, Parcel 005B.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated a Cherokee County Engineering Technician visited the Avery Road side of the property on September 3, 2019. The technician found that, if a driveway were installed for tract 3, sufficient site distance could be achieved provided shrubbery is removed, specifically when facing to the right onto Avery Road. Provided any necessary improvements are made to a future Avery Road driveway, relief, if granted, likely would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. He stated given that a variance from the terms of the Zoning Ordinance likely will not be contrary to the public interest, the department does not object to the variance request as submitted and recommends approval.

Danielle Ayan represented this case. Ms. Ayan stated she bought this property four (4) years ago and she specifically got them to divide the property so she would have access from both roads. She stated at that time she planned to have a horse farm and construct a barn. She stated she wanted her parents closer since they were getting older and they are currently living in the barn. She stated she would like to be able to build them a home on the back of the property.

There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler asked if there is already a pre-existing drive. Ms. Ayan stated yes and is in the location of the gate.

Ms. Semler asked Ms. Ayan would she have any problem with removing the shrubbery. Ms. Ayan stated she has no problem with that however she is not for sure that it is on her property. She stated she is in the process of having the property surveyed.

Ms. Semler made a motion to approve the application as submitted with the recommendation by the Engineering Technician that sufficient sight distance is provided and the shrubbery would be removed if it is on the applicant's property or within the right of way. Seconded by Mr. Ragsdale. Motion passed 5-0.

Ms. Semler made a motion to approve the September 5, 2019 Meeting Minutes with corrections to pages 10 and 11. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Tressler. Motion passed 5-0. The meeting adjourned at 7:16 p.m.